

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

**WILMA HUTTON**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO. 3:06CV481WA**

**THE KROGER CO.**

**DEFENDANT**

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**ORDER**

This matter came before the court for a status conference before the undersigned United States Magistrate Judge that was set for 9:00 a.m. on Tuesday, March 6, 2007. Counsel for the Defendant appeared at this conference; however, counsel for the Plaintiff did not appear, nor did he contact the court regarding his appearance prior to that time. After the hearing, counsel for the Plaintiff contacted the court to report that he was ill.

A review of the docket shows that the Defendant filed a Motion to Compel on March 1, 2007, to seek responses to discovery requests served on January 10, 2007, and to which responses have not been provided. The Plaintiff has not, as of this date, responded to the Motion, served the discovery responses, or signed the Certificate of Good Faith provided by the Defendant. For these reasons, the Motion will be granted, and reasonable compensation for filing this Motion will be awarded to the Defendant.

IT IS, THEREFORE, ORDERED that the Defendant's Motion to Compel is hereby **granted**. The Plaintiff shall, on or before March 23, 2007, serve responses to the subject discovery requests and tender the sum of \$250.00 to the Defendant to compensate it for the costs of bringing this Motion. Failure to comply with the terms of this Order may result in a recommendation that this matter be dismissed.

IT IS SO ORDERED, this the 9<sup>th</sup> day of March, 2007.

S/Linda R. Anderson  
UNITED STATES MAGISTRATE JUDGE